

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Spire )  
Missouri, Inc. for a Certificate of )  
Convenience and Necessity to Construct, )  
Install, Own, Operate, Maintain, and )  
Otherwise Control and Manage a Natural ) **File No. GA-2023-0374**  
Gas Distribution System to Provide Gas )  
Service in Johnson County, Missouri as an )  
Expansion of its Existing Certificated )  
Areas )

**ORDER DIRECTING NOTICE, SETTING DEADLINE FOR  
INTERVENTION REQUESTS, AND DIRECTING FILING OF  
STAFF RECOMMENDATION**

Issue Date: April 28, 2023

Effective Date: April 28, 2023

On April 27, 2023, Spire Missouri Inc. (Spire) filed an application that seeks a certificate of convenience and necessity (CCN) to construct, install, own, operate, maintain, and otherwise control and manage a natural gas distribution system to provide natural gas service in Johnson County, Missouri, as a further expansion of Spire’s existing certificated area. Spire also requests waiver of the Commission’s rule requiring 60 days’ notice prior to filing an application.

Spire currently distributes and transports natural gas to customers in the City of St. Louis and 41 Missouri counties. Spire possesses a franchise to provide natural gas service to the City of Warrensburg, near the proposed expanded certificated area. Spire proposes to apply rates for the expanded certificated area that are the same as the currently effective rates for customers established in Commission File No. GR-2022-0179.

The Commission will direct notice of the application be given to the Johnson County Commission, local newspapers, and members of the General Assembly representing residents of Johnson County. The Commission will set a deadline for interested parties to intervene. The Commission will direct its Staff to file a recommendation with regard to said application.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall provide a copy of this order and the Application to the County Commission of Johnson County, Missouri.

2. The Commission's Public Policy and Outreach Department shall make this order available to the members of the General Assembly representing Johnson County and to the media serving that county.

3. Any person wishing to intervene in this matter shall file an application to intervene no later than May 30, 2023. The application shall be filed in the Commission's Electronic Filing and Information System (EFIS) or with the Secretary of the Commission. Comments on Spire's application may also be made in EFIS.

4. No later than June 12, 2023, Staff shall file a recommendation regarding Spire's application or a request for an extension of time.

5. This order shall be effective when issued.

**BY THE COMMISSION**



A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell  
Secretary

Kenneth J. Seyer, Regulatory Law Judge,  
By delegation of authority pursuant to  
Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri,  
On the 28<sup>th</sup> day of April, 2023.

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Spire Missouri Inc.,	)	
for a Certificate of Convenience and Necessity to Construct,	)	
Install, Own, Operate, Maintain, and Otherwise Control and	)	Case No. 2023-XXXX
Manage a Natural Gas Distribution System to Provide Gas	)	
Service in Johnson County, Missouri as an Expansion of its	)	
Existing Certificated Areas.	)	

**APPLICATION FOR CERTIFICATE OF CONVENIENCE  
AND NECESSITY FOR JOHNSON COUNTY AND  
REQUEST FOR WAIVER**

COMES NOW Spire Missouri Inc. (“Spire” or the “Company”), by and through its undersigned counsel, and, pursuant to Section §393.170 RSMo, and Commission Rules 20 CSR 4240-2.060 and 20 CSR 4240-3.205, respectfully submits this Application to the Missouri Public Service Commission (“Commission”) for a certificate of convenience and necessity (“CCN”) to construct, install, own, operate, maintain, and otherwise control and manage a natural gas distribution system to provide gas service in Johnson County, Missouri, as a further expansion of its existing certificated area. Pursuant to Commission Rule 20 CSR 4240-4.017(1)(D), the Company also requests a waiver from the notice provisions of Rule 20 CSR 4240-4.017(1). In support of its Application and request for a waiver, Spire states as follows:

1. Spire is a public utility and gas corporation incorporated under the laws of the State of Missouri, with its principal office located at 700 Market Street, St. Louis, Missouri 63101.

2. A Certificate of Good Standing evidencing Spire's standing to do business in Missouri was submitted in Case No. GF-2020-0334 and is incorporated by reference herein for all purposes. The information in such Certificate is current and correct.

3. Spire is engaged in the business of distributing and transporting natural gas to customers in Missouri as a gas corporation subject to the jurisdiction of the Commission. Spire provides gas service in Missouri to customers in the City of St. Louis and the Counties of St. Louis, St. Charles, Crawford, Jefferson, Franklin, Iron, St. Genevieve, St. Francois, Madison, Butler, Andrew, Barry, Barton, Bates, Buchanan, Carroll, Cass, Cedar, Christian, Clay, Clinton, Cooper, Dade, Dekalb, Greene, Henry, Howard, Jackson, Jasper, Johnson, Lafayette, Lawrence, McDonald, Moniteau, Newton, Pettis, Platte, Ray, Saline, Stone, and Vernon.

4. Other than cases that have been docketed at the Commission, Spire has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court within the past three years that involve customer service or rates. Spire has no annual report or assessment fees that are overdue.

5. All correspondence, communications, notices, orders and decisions of the Commission with respect to this matter should be sent to the undersigned counsel and to:

Trisha Lavin  
Senior Regulatory Analyst  
Spire Missouri Inc.  
700 Market Street, 5<sup>th</sup> Floor St.  
Louis, Missouri 63101  
(314) 934-9838  
[Trisha.lavin@spireenergy.com](mailto:Trisha.lavin@spireenergy.com)

#### **CERTIFICATE OF CONVENIENCE AND NECESSITY**

6. Spire submits this Application for a CCN to construct, install, own, operate, maintain, and otherwise control and manage a natural gas system to provide natural gas service in Johnson County, Missouri, as a further expansion of its existing certificated area. Spire is seeking a CCN for the area described as Section 16, Township 46 North, Range 25 West of Johnson County

in Missouri. Spire already has assets and is serving a customer in this area.

7. Due to Spire already possessing a franchise to provide natural gas service to the City of Warrensburg, the Company was approached by the \*\* [REDACTED] \*\* (the “Center”) operating in Section 16 for service. To serve the Center, Spire installed 2,170 feet of six-inch plastic main and 985 feet of service in April of 2018. Spire had no prior assets in Section 16, has installed no additional assets in the section, and serves no other customers.

8. The legal description of the area is listed above. Attached as **Appendix 1** is a plat drawn to a scale of one-half inch (1/2") to the mile on maps comparable to county highway maps issued by the Missouri Department of Transportation or a plat drawn to a scale of two thousand feet (2,000') to the inch. Natural gas service is not currently offered by another unregulated or regulated entity in the area for which a CCN is being requested. A map showing that the Company has Commission approved certificated areas adjacent to the section requested in this application are attached in **Appendix 2**.

9. The customer is currently served under Spire Missouri West’s Transportation rate class tariff Sheet No. 9. The Company proposes that it continue to apply these currently effective rates to the customer as established in Spire’s most recent rate case proceeding, GR-2022-0179, or until rates are changed by an approved tariff or a Commission Order.

10. Spire has not identified or been approached by any other potential customers in the area. The name and address of the existing customer being served from the Company’s existing assets is included **Appendix 3**, which has been marked as Confidential pursuant to Commission Rule 20 CSR 4240-2.135(2)(A)1 because it contains information relating directly to specific customers.

11. Current revenues and actual construction costs associated with the initial main extension are shown in the feasibility study attached as **Appendix 4**, which has been marked as

Confidential pursuant to Commission Rule 20 CSR 4240-2.135(2)(A)3 and 4 because it contains information regarding market-specific information. No external financing will be required for construction related to this project.

12. Spire holds all necessary franchises and permits from municipalities, counties, or other authorities that are required for Spire to serve the subject areas. Documentation that provides assent for a franchise from the City of Warrensburg is attached as **Appendix 5**.

13. Attached as **Appendix 6** is a signed affidavit of Carla Politte, Manager of Large Commercial and Industrial Development for Spire Missouri, asserting that all information regarding this proposed CCN is accurate and truthful.

14. This CCN application is in the public interest because Spire Missouri is the only utility in the immediate area of this customer, has adjacent sections in this county in its certificated area, already has assets in service, and is providing safe, reliable and affordable service to the Customer. Spire Missouri's experience in the operation of natural gas systems gives it the ability to provide safe, reliable, and adequate service in an efficient manner. For all the reasons set forth herein, Commission approval of this Application will further the public convenience and necessity.

#### **REQUEST FOR WAIVER FROM 60-DAY NOTICE RULE**

15. Commission Rule 20 CSR 4240-4.017(1) provides, in part, as follows:

Any person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission and shall include a summary of all communication regarding substantive issues likely to be in the case between the filing party and the office of the commission that occurred in the ninety (90) days prior to filing the notice.

16. Rule 20 CSR 4240-4.017(1)(D) permits a party to request a waiver of the above cited rule for good cause. The rule provision specifically provides that good cause may be established by

submitting a verified declaration that the filing party has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case. The Company interprets this to mean that good cause is established if the filing party has had no communication with a member of the office of the Commission outside of pleadings or other public communications. Subject to that understanding, the Company has attached, as **Appendix 7**, the verified declaration of Trisha Lavin that neither the Company nor any person or entity acting on behalf of the Company, has had a communication with a member of the office of the Commission in the last 150 days regarding any substantive issues that are likely to arise in the case. For that reason, the Company requests that the Commission grant a waiver of the 60-day notice requirement for Spire Missouri's application for a CCN in Johnson County.

**WHEREFORE**, Spire requests, for good cause shown, that the Commission waive the notice requirement of 20 CSR 4240-4.017(1), approve this Application, issue a CCN to Spire as set forth above and in the attached schedules, and grant such other and further relief as is just and proper under the circumstances.

Respectfully submitted,





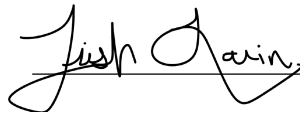
Matthew Aplington MoBar #58565  
General Counsel  
Spire Missouri Inc.  
700 Market Street, 6<sup>th</sup> Floor  
St. Louis, MO 63101  
(314) 342-0785 (Office)  
Email: matt.aplington@spireenergy.com

J. Antonio Arias, MoBar #74475  
Counsel, Regulatory  
Spire Missouri Inc.  
700 Market Street, 6<sup>th</sup> Floor  
St. Louis, MO 63101  
(314) 342-0655 (Office)  
Email: antonio.arias@spireenergy.com

**ATTORNEYS FOR SPIRE MISSOURI INC.**

**CERTIFICATE OF SERVICE**

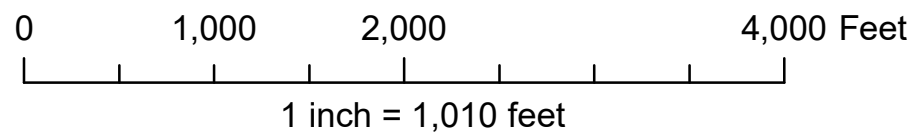
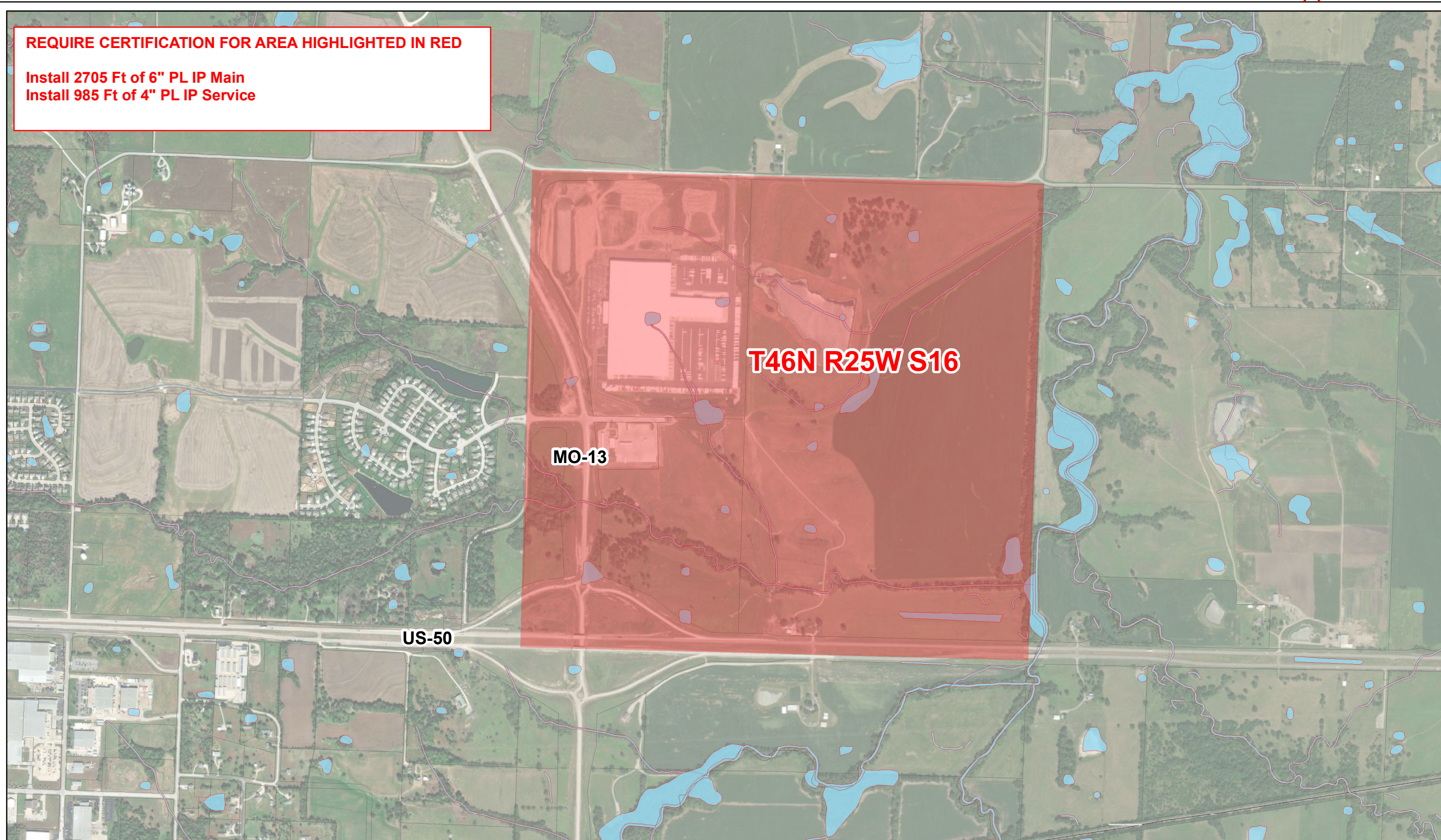
The undersigned hereby certifies that a true and correct copy of the foregoing was serve on the Staff of the Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 27th day of April, 2023.

 \_\_\_\_\_



**REQUIRE CERTIFICATION FOR AREA HIGHLIGHTED IN RED**

**Install 2705 Ft of 6" PL IP Main  
Install 985 Ft of 4" PL IP Service**



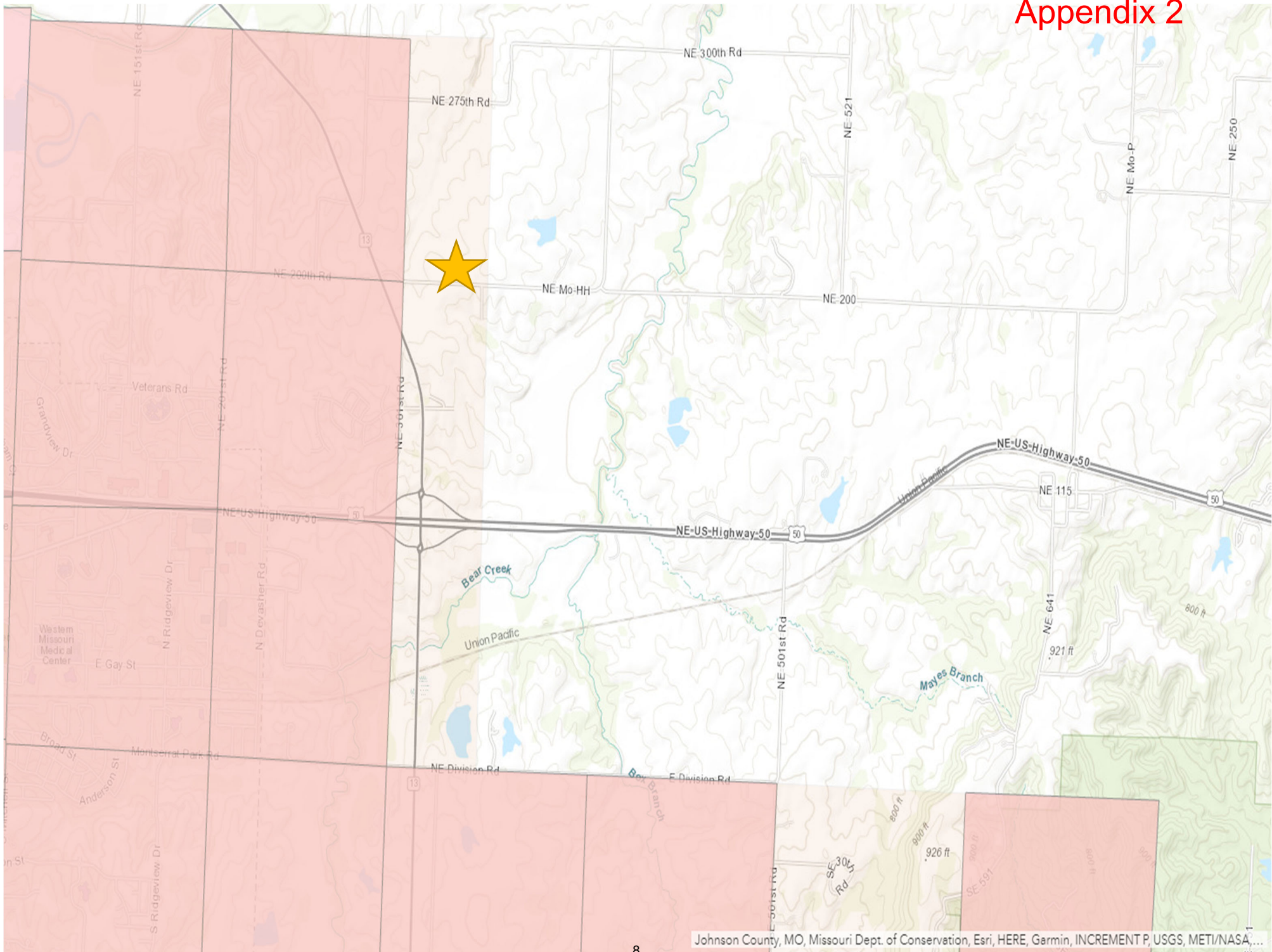
**Job Description: Project**

**Maximo Work Order: 15761320  
Project #: 801701**



**PAGE OF**





Confidential Pursuant to 20 CSR 4240-2.135(2)(A)1

Johnson County CCN

Name & Addresses Associated

[REDACTED]

**Confidential in its Entirety**

**Confidential Pursuant to 20 CSR 4240-2.135(2)(A) 3 and 4**

Bill No. 3307

Ordinance No. 4245

AN ORDINANCE GRANTING TO MISSOURI GAS ENERGY, A DIVISION OF SOUTHERN UNION COMPANY, A DELAWARE CORPORATION, OPERATING A GAS DISTRIBUTION SYSTEM IN THE CITY OF WARRENSBURG, MISSOURI, ITS SUCCESSORS OR ASSIGNS, A FRANCHISE TO OPERATE A NATURAL GAS DISTRIBUTION PLANT AND SYSTEM IN SAID CITY AND RELATING THERETO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WARRENSBURG, MISSOURI.

Section 1. That there is hereby granted to Missouri Gas Energy, a division of Southern Union Company, a Delaware Corporation operating a gas distribution system, herein called the Company, its successors and assigns, the rights, privileges and franchise for a period of twenty (20) years from February 8, 2007, to construct, maintain and operate in the present and future streets, alleys, bridges and public places in the City of Warrensburg, Missouri, herein called City, its gas distribution system as now located, together with the right, privilege and franchise to acquire, construct, maintain and operate therein and thereon such additions and extensions thereto as may be necessary or desirable, all for the purpose of supplying natural gas for all purposes to the inhabitants of said City and consumers in the vicinity thereof, which grant shall be subject to all lawful ordinances of the City of Warrensburg now in existence or hereafter enacted which are not inconsistent herewith. Provided, further, that Company shall, upon acceptance of this franchise, be obligated to remove, relocate or adjust as promptly as is practical any of its gas distribution facilities located in or upon the City's streets, alleys, bridges or other public places at no expense to the City when reasonably requested to do so by the City. Such requests made by the City shall be deemed reasonable unless shown to be otherwise by the Company.

Section 2. All rates established and charges made by Company for gas transported, distributed and sold hereunder shall be subject to valid and lawful orders of the Public Service Commission of the State of Missouri, and other competent authority having jurisdiction in the premises, and the transportation, distribution and sale of gas to consumers shall be governed by the present operating rules, regulations and customs of Company and such rules and regulations as may hereafter be prescribed or approved.

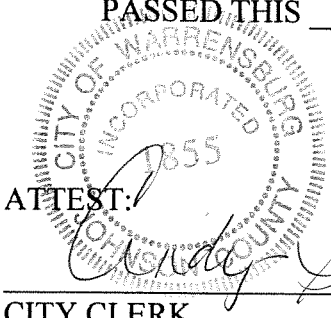
Section 3. That in consideration of and as compensation for the right, privilege and franchise hereby granted, the Company, its successors and assigns, shall furnish gas at such pressure and of such quality as shall be designated by lawful orders of the Public Service Commission of said State, if such gas is reasonably procurable; shall furnish to each consumer a recognized standard meter or other instrument for measurement of gas sold or computation of consumer's bills and keep same in repair at its cost, which meter shall at all times be subject to inspection by said City; shall at all times save the City harmless from any and all damages which said City may be liable to pay that may arise from the construction, maintenance and operation by the Company of its plant system or any part thereof; shall limit all excavations of streets, alleys or public places to the necessity of efficient operation and shall not at any one time open or

encumber more of any highway or public place than shall be reasonably necessary to enable Company to proceed with advantage in laying or repairing mains or pipes and shall not permit such highway or public place to remain open longer than necessary for the purpose for which it was opened; shall refill all excavations and replace all pavements with like material and leave same in as good condition as when altered or removed; shall perform all work on streets, alleys and public places, under supervision of a representative of said City, if so desired; and shall repay said City all expense to which it has been put in the repair or replacement of streets, highways or pavements in the event such work is done by said City after the neglect or refusal of Company to perform same in a reasonable time.

Section 4. Company shall not later than the first day of each calendar month in each year, make a report to the governing board of the City of its gross receipts from the sale or transportation of natural gas for domestic and commercial purposes within the corporate limits of said City for the one (1) month period ending on the first day of the month next preceding that on which the report is due; and at the time of making such reports, pay into the City treasury a sum equal to six (6%) percent of said gross receipts subsequent to the effective date of this franchise. So long as Company shall be required, by any regulatory authority having jurisdiction, to separately state the franchise tax increment of its charges for natural gas service rendered under the franchise hereby granted, the term "gross receipts" as used herein shall not include the separately stated tax increment. Said percentage of Company's gross receipts is hereby levied and assessed as an occupation and license tax (in lieu of all other occupation, license or other revenue taxes or fees) for the privilege of engaging in the business herein recited during the term hereof; and as a further consideration for this franchise, Company agrees to recognize the same as a valid tax and make said payments during such periods.

Section 5. If a majority of the Council express their assent to the granting of said franchise, said franchise shall become effective immediately, provided that the Company shall file its written acceptance of said franchise within thirty (30) days from the date said governing body shall have declared the results of said vote.

PASSED THIS 14<sup>th</sup> DAY OF May, 2007.



ATTEST:

Cindy Gabel  
CITY CLERK

Donald Nimmer  
Mayor

APPROVED THIS 14<sup>th</sup> DAY OF May, 2007.

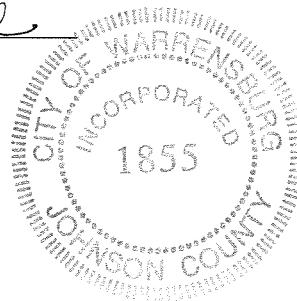
Donald Nimmer  
Mayor



This Acceptance of Ordinance received and filed this 1<sup>st</sup> day of August, 2007.

Cindy Gabel  
City Clerk

City of Warrensburg, Missouri



ACCEPTANCE OF ORDINANCE

STATE OF MISSOURI     )  
  )  
  )     ss.  
COUNTY OF JACKSON    )

KNOW ALL MEN BY THESE PRESENTS, That Missouri Gas Energy, a division of Southern Union Company, a corporation organized and existing under the laws of the State of Delaware and Grantee named in Ordinance No. 4245 of the Ordinances of the City of Warrensburg, Missouri, the same being entitled:

“AN ORDINANCE granting to Missouri Gas Energy, a division of Southern Union Company, a Delaware corporation, operating a gas distribution system in the City of Warrensburg, Missouri, its successors or assigns, a franchise to operate a natural gas distribution plant and system in said City and relating thereto.”

hereby accepts the terms and conditions of said Ordinance and the franchise granted.

IN WITNESS WHEREOF Missouri Gas Energy, a division of Southern Union Company, has caused this instrument to be signed by its Chief Operating Officer and attested this 3<sup>rd</sup> day of JULY, 2007.

MISSOURI GAS ENERGY, a division of Southern Union Company

By Robert J. Hack  
Robert J. Hack  
Chief Operating Officer

ATTEST:  
Jenny Wockenfuss  
Printed Name Jenny Wockenfuss

(JS)



STATE OF MISSOURI     )  
  )  
  )     ss.  
COUNTY OF JACKSON    )

BE IT REMEMBERED, that on this 3<sup>rd</sup> day of JULY, 2007, before me, the undersigned, a Notary Public, came Robert J. Hack, Chief Operating Officer of Missouri Gas Energy, a division of Southern Union Company, a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Delaware, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed as such officer the above and foregoing instrument of writing on behalf of said corporation, and he duly acknowledged the execution of the same to be the act and deed of said corporation.

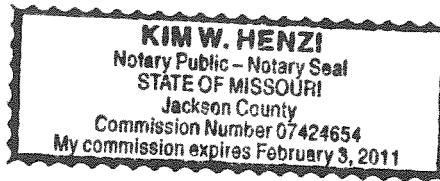
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notary seal the day and year last above written.



*Kim W. Henzi*  
Notary Public

My Commission Expires:

Feb. 3, 2011



**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Spire Missouri	)	<b>File No.</b>
Inc. for a Certificate	)	
of Convenience and Necessity to Construct, Install,	)	
Own, Operate, Maintain, and Otherwise Control	)	
and Manage a Natural Gas Distribution System to	)	
Provide Gas Service in Johnson County by Natural	)	
Gas Expansion in an Uncertificated Area.	)	

**AFFIDAVIT AND VERIFICATION**

STATE OF MISSOURI	)	
	)	SS.
COUNTY OF ST. LOUIS	)	

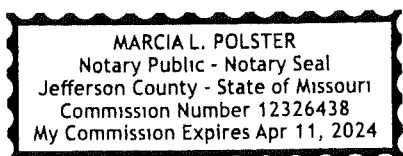
Carla Politte, of lawful age, being first duly sworn, deposes and states:

1. My name is Carla Politte, I am Manager, Large Commercial and Industrial Business Development. My business address is 700 Market St. Saint Louis, Missouri, 63101.
2. The purpose of this affidavit is to comply with Commission Rule 20 CSR 4240-3.205(1)(D) and 240.3.205(2) requiring Spire to file a certified copy of the document granting it the necessary consent or franchise or an updated affidavit attesting that it has received the necessary county consent for the requested service territory expansion.
3. Spire received a written and signed consent letter from the City of Warrensburg, Johnson County, on August 1, 2007. The City of Warrensburg, Johnson County's signed consent letter has been included in Appendix 5 of the Application.
4. I hereby swear and affirm that the information contained herein, and in the attached documents is true and correct to the best of my knowledge and belief.

Carla S. Politte

Subscribed and sworn to before me this 25th day of April, 2023.

*Marcia L. Polster*  
\_\_\_\_\_  
Notary Public



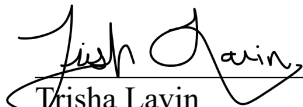
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Manage a Natural Gas Distribution System to Provide Gas )  
Service in Johnson County, Missouri as an Expansion of its )  
Existing Certificated Areas. )

**VERIFICATION**

State of Missouri )  
 ) SS  
County of St. Louis )

I, Trisha Lavin, state that I am a Senior Regulatory Analyst for Spire Missouri Inc. I am authorized to make this verification on behalf of Spire Missouri Inc. and that under the penalty of perjury, I declare that the matters and things stated in the foregoing Application are true and correct to the best of my knowledge and belief. I also hereby swear and affirm that I have read the foregoing Request for Waiver, and hereby declare that, other than pleadings or other public communications, Spire Missouri Inc. has had no communication with the office of the Commission, within the prior one hundred and fifty (150) days regarding any substantive issue likely to be in the above referenced case.

  
\_\_\_\_\_  
Trisha Lavin

April 27, 2023  
\_\_\_\_\_  
Dated

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 28<sup>th</sup> day of April, 2023.**



*Nancy Dippell*  
\_\_\_\_\_  
**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 28, 2023**

**File/Case No. GA-2023-0374**

**Missouri Public Service  
Commission**  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**  
Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@opc.mo.gov

**County of Johnson, Missouri**  
County Commission Clerk  
300 N. Holden  
Johnson County Courthouse  
Warrensburg, MO 64093  
dthompson@jococourthouse.com

**Spire**  
Matthew Aplington  
700 Market Street  
Saint Louis, MO 63101  
matt.aplington@spireenergy.com

**Spire**  
J. Antonio Arias  
700 Market Street, 6th Floor  
St. Louis, MO 63101  
antonio.arias@spireenergy.com

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

*Sincerely,*



**Nancy Dippell  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.